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In re Application of
Pitson
Application No.: 10/509,036
PCT No.: PCT/AU2003/00388
Int. Filing Date: 28 March 2003
Priority Date: 28 March 2002
Attorney Docket No.: 229752003700
For: A Method Of Modulating Cellular Activity

DECISION

This is in response to the petitions under 37 CFR 1.137(b) and 37 CFR 1.182 filed on 26 October 2007.

DISCUSSION

In a Decision mailed on 28 August 2007, the petition under 37 CFR 1.137(b) filed on 11 July 2007 was dismissed, without prejudice, because applicant had not furnished the required reply in the form an acceptable CRF and an oath or declaration of inventorship in compliance with 37 CFR 1.497(a) and (b). Regarding the declaration, the filing of petition under 37 CFR 1.182 was recommended.

Petition Under 37 CFR 1.137(b)

Review of the electronic records of the USPTO reveals that a CRF was filed on 26 October 2007, but said CRF was found to be defective because it was saved as a WORD document rather than as ASCII text. As such, the "required reply" requirement has not been satisfied.

Petition Under 37 CFR 1.182

Petitioner has provided a statement signed by Julia Rose Dobbins which shows that, as of May 2002, her surname became Verwey (as indicated on the published international application), but that her surname had changed to Zebol prior to the time the declaration of inventorship was signed. Based on her statement and the supporting evidence accompanying it, it would be appropriate to accept her name as Zebol on the declaration filed on 11 July 2007.

Petitioner further requests that, though the declaration filed on 11 July 2007 was signed in the name Zebol, that the inventor's surname be changed to Dobbins. In view of the evidence accompanying the petition, including Ms. Dobbins' statement, it would be appropriate to grant the requested relief. Therefore, the listing of her name as "Dobbins" on the Application Data Sheet accompanying the petition is accepted.

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

The petition under 37 CFR 1.182 is GRANTED.

The petition fee for the petition under 37 CFR 1.182, in the amount of \$400.00, is being charged to Deposit Account No. 03-1952, as authorized by the petition.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in ABANDONMENT of this application.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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